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14 Evolve Bank & Trust.

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA

18 YOTTA TECHNOLOGIES INC.,

19 Plaintiff,

20 v.

21 EVOLVE BANCORP, INC. and EVOLVE
22 BANK & TRUST,

23 Defendants.
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Case No. 3:24-CV-06456-TLT

**DECLARATION OF HANK WORD IN
SUPPORT OF EVOLVE BANK AND
TRUST'S MOTION TO DISMISS**

1 I, Hank Word, declare as follows:

2 1. I am the President of Open Banking at Evolve Bank & Trust (“Evolve”). I have
3 worked for Evolve since October 2014, first as Senior Vice President of Technology and System
4 Strategies, then as Chief Technology Officer, before assuming my current role as the President of
5 Open Banking in February 2022.

6 2. I am over eighteen years of age and am competent to make this declaration. I submit
7 this declaration in support of Evolve’s Motion to Dismiss the Complaint. I make this declaration
8 based on my personal knowledge, the books and records of Evolve, information reported to me in
9 the ordinary course of business by individuals with a business duty to accurately report that
10 information, and on information and belief.

11 3. Evolve provided banking services for customers of the financial technology
12 (“fintech”) company, Yotta Technologies Inc. (“Yotta”), through Synapse Financial Technologies
13 (“Synapse”). To sign up for an account with Yotta, each customer must agree to be bound by a
14 Consumer Interest Checking Account Agreement (“Account Agreement”), which is provided to the
15 customer by Synapse on behalf of Evolve. The Account Agreement governs the demand deposit
16 account that is ultimately created when a user signs up for a Yotta account.

17 4. Attached as Exhibit A is a true and correct copy of the most current version of the
18 Account Agreement.

19 5. The Account Agreement can be found by clicking a link titled “Deposit Agreement”
20 at the bottom of every page of Yotta’s banking product website, <https://banking.withyotta.com/>.
21 The direct hyperlink to the Deposit Agreement is as follows: [https://cdn.prod.website-](https://cdn.prod.website-files.com/66fc446ec1b718718c239755/66fc446ec1b718718c2399db_Yotta_Account_Agreement.pdf)
22 [files.com/66fc446ec1b718718c239755/66fc446ec1b718718c2399db](https://cdn.prod.website-files.com/66fc446ec1b718718c239755/66fc446ec1b718718c2399db_Yotta_Account_Agreement.pdf)
23 [_Yotta_Account_Agreement.pdf](https://cdn.prod.website-files.com/66fc446ec1b718718c239755/66fc446ec1b718718c2399db_Yotta_Account_Agreement.pdf).

24 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is
25 true and correct.

26 Executed on December 9, 2024 at Memphis, Tennessee.

27 
28 Hank Word